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AUTHOR	Tucker, Lee
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ABSTRACT

Agricultural work is the most hazardous and grueling area of employment open to U.S. children and is also the least protected. Adolescent farmworkers labor under more dangerous conditions than their peers working in nonagricultural settings and also face persistent wage exploitation and fraud. These adolescent workers are protected less under U.S. law than juveniles in safer occupations. The Fair Labor Standards Act (FLSA) allows children working on farms to be employed at a younger age than children performing other jobs; to work unlimited hours, even when school is in session; and to engage in hazardous work at a younger age. The FLSA's bias against farmworker children amounts to de facto race-based discrimination as 85 percent of farmworkers are minorities. Discrimination in legal protection leads directly to deprivation of other rights, most notably the right to education and to health and safety. U.S. law and practice contravene various international laws. Even the limited protections given to adolescent farmworkers by U.S. laws are not adequately enforced. This report makes recommendations to Congress about the FLSA and to the U.S. Department of Labor, the Occupational Safety and Health Administration, the Environmental Protection Agency, and state agencies. Sections of this report cover farmworker poverty and vulnerability; practices of farm labor contractors; health and safety risks related to pesticides, poor sanitation, and hazardous conditions and equipment; depression and substance abuse; the extent of underage workers; wage and hour concerns; the effect of farmwork on education; special risks to girls; the failure of U.S. laws to protect children working in agriculture; and failure to comply with international law. Appendices contain excerpts from the FLSA, the International Labor Organization Convention 182, and the U.N. Convention on the Rights of the Child. (SV)

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